

**BOARD OF NURSING
MEETING MINUTES
OCTOBER 6, 2011**

PRESENT: Kay Coppens, Maria Joseph, Rachelle Lancaster, Gretchen Lowe, Julia Nelson, Carol Ott, Nelson Soler, Lou Ann Weix

EXCUSED: None.

STAFF: Dan Williams, Bureau Director; Colleen Baird, Legal Counsel; Kimberly Wood, Bureau Assistant; Sharon Henes, Paralegal; and other Department Staff

GUESTS: Elizabeth Markham, Ron Conzo, and Ann Marie Marlier, Bryant and Stratton College; Susan Cashin, UW Milwaukee; Mary B. Green, Chris Montagnino, and Steven Rush, Herzing University; Kelly Crum, Maranatha Baptist Bible College; Gina Dennik Champion and Bonnie Stankents, Wisconsin Nurses Association (WNA); David Dies, Educational Approval Board (EAB); Kathy Van Eerden, Moraine Park Technical College; Jeremy Levin, Rural Wisconsin Health Cooperative (RWHC); Linda Taylor, College of Menominee Nation

CALL TO ORDER

Lou Ann Weix, Chair, called the meeting to order at 9:09 a.m. A quorum of eight (8) members was present.

APPROVAL OF AGENDA

Amendments to the Agenda:

- Item “K-4” (open session) Under the item titled “Items Received After Printing of the Agenda – Informational Items” **ADD:**
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- Item “Q-22” (closed session) Under the item titled “Deliberation of Items Received After Printing of the Agenda; # 22) Jennifer L. Waloway, R.N. (11 NUR 332)
 - **REPLACE** the stipulation provided in meeting materials with the document distributed at the meeting.
- Item “S” (closed session) Under the item titled “Deliberation of Items Received After Printing of the Agenda” **ADD** the following:
 - Under Item “S-3” titled: “(3) Monitoring Matters” **ADD:**
 - 1. “(12) Sherry Ward. R.N. – Requesting Stay of Suspension***” – *Deliberation of this item will occur after agenda item “P-11”*
 - Under Item “S-4” titled: “(4) Proposed Stipulations, Final Decisions and Orders” **ADD:**
 - 1. “(24) Nicole C. Deeth, L.P.N. (11 NUR 001)***” – *Deliberation of this item will occur after agenda item “Q-23”*

MOTION: Nelson Soler moved, seconded by Kay Coppens, to approve the agenda of October 6, 2011 as amended. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Gretchen Lowe moved, seconded by Julia Nelson, to approve the minutes of September 1, 2011 as published. Motion carried unanimously.

ELECTION OF OFFICERS FOR 2012

NOMINATION: Kay Coppens nominated the 2011 slate of officers to continue in 2012. Nomination carried by unanimous vote.

Lou Ann Weix called for other nominations three (3) times.

2012 ELECTION RESULTS	
Board Chair	Lou Ann Weix
Vice Chair	Gretchen Lowe
Secretary	Julia Nelson

ADMINISTRATIVE MATTERS

Dan Williams, Bureau Director, reported to the Board regarding the following administrative matters:

- Bill Wendle has been appointed to the Deputy Secretary of the Department. Bill Wendle replaces John Scocos who was recently appointed Secretary of the Department of Veterans Affairs.
- Michael Trepanier, Board Services – Division Administrator, has left the Department to serve as Executive Assistant of the Department of Veterans Affairs.

BOARD APPOINTMENT OF SCREENING PANEL ROTATION FOR JANUARY 2012 – DECEMBER 2012

Lou Ann Weix conducted screening panel rotation assignments for January – December of 2012.

JANUARY – JUNE 2012	JULY – DECEMBER 2012
Gretchen Lowe	Maria Joseph
Julia Nelson	Nelson Soler
Kay Coppens	Rachelle Lancaster
Carol Ott (Alternate) Jan, Mar, May	Carol Ott – Alternate
Rachelle Lancaster (Alternate) Feb, Apr, Jun	

DISCUSSION OF THE WISCONSIN 2011 LPN SURVEY SUMMARY AND FORTHCOMING RN SURVEY

The Board received a report from Carolann Puster and Tj Cobb, Division of Professional Credential Processing, regarding the results for the 2011 LPN workforce survey and an upcoming RN workforce survey. Gina Dennik Champion, Wisconsin Nurses Association, and Judy Warmuth, Wisconsin Hospital Association, provided comments regarding the nursing workforce surveys during the course of Board discussion.

BOARD CONSIDERATION OF THE REQUEST OF KAREN A. EISBERNER, CRNA, MS, APNP, FOR REVIEW OF ITS POSITION REGARDING ADMINISTRATION OF PROPOFOL

The Board tabled this matter to a future meeting.

REPORT OF THE SPEAKING ENGAGEMENT FOR THE ASSOCIATION OF OCCUPATIONAL HEALTH PROFESSIONALS (AOHP) NURSING GROUP MEETING ON THURSDAY, SEPTEMBER 15, 2011 – MARSHFIELD CLINIC – WESTON, WI

Lou Ann Weix reported to the Board regarding her presentation to the association of Occupational Health Professionals (AOHP) – Nursing Group meeting in Weston, WI.

REPORT OF EDUCATION AND LICENSURE COMMITTEE

Carol Ott reported to the Board regarding the actions taken at today's Education and Licensure Committee meeting.

Committee Consideration of NCLEX Pass Rate Evaluation Methods in Wisconsin

- *APPEARANCE: 8:00 A.M.: Presentation by Sue Cashin, Ph.D., Assistant Dean of Student Services/Clinical Associate Professor at the University of Wisconsin Milwaukee*

No action was required.

Review of Additional Materials Relating to Bryant and Stratton Request for Approval to Admit Students to Bachelor of Science in Nursing, Second Degree in Nursing and RN to BSN

COMMITTEE MOTION: Rachelle Lancaster moved, seconded by Nelson Soler, to recommend approval of admission of students to the Bachelor of Science in Nursing, Second Degree in Nursing and RN to BSN programs at Bryant and Stratton. Motion carried unanimously.

BOARD MOTION: Gretchen Lowe moved, seconded by Julia Nelson, to accept the recommendation for approval of admission of students to the Bachelor of Science in Nursing, Second Degree in Nursing and RN to BSN programs at Bryant and Stratton. Motion carried unanimously.

College of Menominee Nation NCLEX-RN Pass Rate Improvement Plan

COMMITTEE MOTION: Rachelle Lancaster moved, seconded by Gretchen Lowe, to recommend approval of the NCLEX-RN pass rate improvement plan submitted by the College of Menominee Nation and to request an updated report after receipt of Quarter 2, 2012 data. Motion carried unanimously.

BOARD MOTION: Nelson Soler moved, seconded by Kay Coppens, to accept the recommendation for approval of the NCLEX-RN pass rate improvement plan submitted by the College of Menominee Nation and to request an updated report after receipt of Quarter 2, 2012 data. Motion carried unanimously.

Review of Request for Approval of Herzing University-Brookfield Educational Administrator

COMMITTEE MOTION: Rachelle Lancaster moved, seconded by Maria Joseph, to recommend denial of the request for Mary B. Green to serve as Educational Administrator of Herzing University-Brookfield, because of not meeting the criteria and to recommend resubmission of this request with a co-administrator to serve for the next six (6) months. Motion carried unanimously.

BOARD MOTION: Carol Ott moved, seconded by Rachelle Lancaster, to accept the recommendation for denial of the request for Mary B. Green to serve as Educational Administrator of Herzing University-Brookfield, because of not meeting the criteria and to recommend resubmission of this request with a co-administrator to serve for the next six (6) months. Motion carried unanimously.

Review of Request for Approval of Herzing University-Madison Educational Administrator

COMMITTEE MOTION: Rachelle Lancaster moved, seconded by Maria Joseph, to recommend approval of Steven Rush as Educational Administrator of Herzing University-Madison. Motion carried unanimously.

BOARD MOTION: Nelson Soler moved, seconded by Rachelle Lancaster, to accept the recommendation for Steven Rush as Educational Administrator of Herzing University-Madison. Motion carried unanimously.

Request for Self-Evaluation of Nursing Program from Maranatha Baptist Bible College

COMMITTEE MOTION: Rachelle Lancaster moved, seconded by Gretchen Lowe, to recommend that a request for self-evaluation of the nursing program of Maranatha Baptist Bible College be submitted for placement on the November 2, 2011 agenda. Motion carried unanimously.

BOARD MOTION: Carol Ott moved, seconded by Julia Nelson, to accept the recommendation that a request for self-evaluation of the nursing program of Maranatha Baptist Bible College be submitted for placement on the November 2, 2011 agenda. Motion carried unanimously.

Review of Southwest Technical College NCLEX-RN Pass Rate Improvement Plan

COMMITTEE MOTION: Rachelle Lancaster moved, seconded by Maria Joseph, to recommend that a congratulatory letter be sent to Southwest Technical College based upon Quarter 2, 2012 data showing that NCLEX pass rates are no longer significantly below the national average, and that they be removed from probationary status. Motion carried unanimously.

BOARD MOTION:

Gretchen Lowe moved, seconded by Kay Coppens, to accept the recommendation that a congratulatory letter be sent to Southwest Technical College based upon Quarter 2, 2012 data showing that NCLEX pass rates are no longer significantly below the national average, and that they be removed from probationary status. Motion carried. Abstained: Julia Nelson

Review of Wisconsin Lutheran College Syllabi for NUR 422, NUR 423, NUR 424 and NUR 425

COMMITTEE MOTION:

Rachelle Lancaster moved, seconded by Gretchen Lowe, to recommend approval of Wisconsin Lutheran College course syllabi for NUR 422, NUR 423, NUR 424 and NUR 425 and to request a summary of the Commission on Collegiate Nursing Education (CCNE) site visit report. Motion carried unanimously.

BOARD MOTION:

Carol Ott moved, seconded by Julia Nelson, to accept the recommendation for approval of the Wisconsin Lutheran College course syllabi for NUR 422, NUR 423, NUR 424 and NUR 425 and to request a summary of the Commission on Collegiate Nursing Education (CCNE) site visit report. Motion carried unanimously.

Review of Request for Approval of Western Technical College Educational Administrator

COMMITTEE MOTION:

Nelson Soler moved, seconded by Maria Joseph, to recommend approval of Barbara Krieg as Educational Administrator of Western Technical College. Motion carried unanimously.

BOARD MOTION:

Carol Ott moved, seconded by Kay Coppens, to accept the recommendation for approval of Barbara Krieg as Educational Administrator of Western Technical College. Motion carried unanimously.

ITEMS RECEIVED AFTER PRINTING OF THE AGENDA

Informational Item(s)

- a) Report of the 2011 NCLEX Conference – September 26, 2011 – San Francisco, CA –Carol Ott

Carol Ott reported to the Board regarding her experience at the 2011 NCLEX Conference. She spoke generally about the administration and development of the NCLEX examination. Carol Ott informed the members of the Board that she was provided meeting materials that are available for review upon request.

PUBLIC COMMENTS

Gina Dennik Champion, WNA, Informed the Board that each member will be receiving an invitation from Tom Neumann to attend his presentation on the history of the nurse practice act. She informed the Board that both past and current members of the Board will receive invitations and noted that an invitation is also being extended to Secretary Ross.

CLOSED SESSION

MOTION: Kay Coppens moved, seconded by Rachelle Lancaster to convene to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Enforcement case status reports. Roll Call Vote: Kay Coppens-yes; Maria Joseph-yes; Rachelle Lancaster-yes; Gretchen Lowe-yes; Julia Nelson-yes; Carol Ott-yes; Nelson Soler-yes; and Lou Ann Weix-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:31 a.m.

RECONVENE TO OPEN SESSION

MOTION: Kay Coppens moved, seconded by Julia Nelson, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 3:15 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE

MOTION: Julia Nelson moved, seconded by Gretchen Lowe, to reaffirm all motions made in closed session. Motion carried unanimously.

REVIEW OF APPLICATIONS FOR LICENSURE

APPEARANCE 10:30 A.M.: Benita M. Verdugo, R.N. – Re-registration Application

MOTION: Nelson Soler moved, seconded by Carol Ott, to grant Benita M. Verdugo, R.N., reinstatement of her Wisconsin RN license contingent to acceptance of a standard five (5) year impairment Order, including credit for testing in the Minnesota Health Professionals Service Program (8 months), with an immediate stay of suspension under the Wisconsin Order, drug testing at a frequency of forty-eight (48) per year plus one (1) annual hair test and the option to reduce testing frequency to twenty-eight (28) per year plus one (1) annual hair test after successful completion of four (4) months under the Wisconsin Order, and prohibits work settings in home health, agency, pool nursing and hospice. The Board grants access to controlled substances. Motion carried unanimously.

Debra Behselich, L.P.N. – Registered Nurse Application

MOTION: Kay Coppens moved, seconded by Nelson Soler, to grant a registered nurse license to Debra Behselich, L.P.N. subject to a two (2) year order requiring practice under supervision and submission of quarterly work reports. Fulfillment of the limitations under the registered nurse license shall satisfy the requirements of the licensed practical nurse Order. Motion carried unanimously.

DELIBERATION ON MONITORING MATTERS

**APPEARANCE 11:00 A.M.: LAURA DIMMER (F/K/A LAURA FEICHTNER)
REQUESTING REINSTATEMENT**

MOTION: Julia Nelson moved, seconded by Maria Joseph, to grant Laura Dimmer, R.N.'s request for reinstatement subject to a two (2) year Order. The Board requires mental health therapy (non-AODA) as recommended by therapist, Board approval of work sites, drug testing at a frequency of twenty-eight (28) per year with one (1) annual hair test and submission of quarterly work and therapy reports. No work setting restrictions are required. Motion carried unanimously.

**LAURA DAUS, R.N.
CLARIFICATION OF BOARD'S MOTION FROM 9/1/11 MEETING**

MOTION: Nelson Soler moved, seconded by Rachelle Lancaster, to reaffirm the denial of the request for modifications submitted by Laura Daus, R.N. (per the motion made 9/1/2011) and to remove the stay of Laura Daus, R.N. A petition for reinstatement cannot be submitted until three (3) months of successful compliance is achieved and submission of a fitness to practice evaluation is required. Reason for Denial: Positive drug test for controlled substances without a prescription and missed call-ins. Motion carried unanimously.

**THERESA HINELINE, R.N.
CLARIFICATION OF BOARD'S MOTION FROM 9/1/11 MEETING**

MOTION: Kay Coppens moved, seconded by Gretchen Lowe, to withdraw the motion made with respect to Theresa Hinline, R.N. on 9/1/2011. The Board grants access to controlled substances and subsequently modifies her Order to increase her requirement for attendance to AA/NA meeting to once per week through the remainder of her Order. The Board grants discontinuation of therapy per the recommendation of treater and denies the request for consumption of alcohol and removal of practice limitations. Reason for Denial: Per Board Order. Motion carried unanimously.

**THOMAS BERTHOLD, R.N.
REQUESTING FULL LICENSURE**

MOTION: Nelson Soler moved, seconded by Kay Coppens, to deny Thomas Berthold, R.N.'s request for full licensure. Reason for Denial: Length of time under Board Order. Motion carried. Abstained: Carol Ott, Rachelle Lancaster

**VICKI MCCAULLEY, R.N.
REQUESTING FULL LICENSURE**

MOTION: Gretchen Lowe moved, seconded by Carol Ott, to grant the request of Vicki McCaulley, R.N.'s for full licensure. Motion carried unanimously.

**JENNIFER FLEGEL, R.N.
REQUESTING MODIFICATION**

MOTION: Gretchen Lowe moved, seconded by Julia Nelson, to grant Jennifer Flegel, R.N.'s request for reduction in the frequency of drug testing to twenty-eight (28) per year plus one (1) annual hair test. The Board grants access to controlled substances retroactively to January 6, 2011 and grants an extension of time for payment of costs to November 11, 2011. Motion carried unanimously.

**ELIZABETH FORWARD, R.N.
REQUESTING MODIFICATION**

MOTION: Julia Nelson moved, seconded by Nelson Soler, to grant the request of Elizabeth Forward, R.N. or reduction in the frequency of drug testing to twenty-eight (28) per year plus one (1) annual hair test and for a switch in testing facility from Affinity to First Lab. Motion carried unanimously.

**JESSIE RAYNE, R.N.
REQUESTING MODIFICATION**

MOTION: Rachelle Lancaster moved, seconded by Kay Coppens, to remove the stay of Jessie Rayne, R.N. until respondent achieves three (3) months of compliance with the Order with no missed call-ins and to deny Ms. Rayne's requests for modifications or full licensure. Reason for Denial: Missed call-ins. Motion carried unanimously.

**KAITLYN SCOTT, R.N.
REQUESTING MODIFICATION**

MOTION: Nelson Soler moved, seconded by Julia Nelson, to deny Kaitlyn Scott, R.N.'s request for a reduction in frequency of drug screens, and access to controlled substances. The board grants the request for termination of therapy contingent upon reconstitution of the therapy requirement once employment as a nurse is gained. Reason for Denial: Length of time under Order. Motion carried unanimously.

**HEIDI SUTTER, R.N.
CONSIDERATION OF VIOLATION OF BOARD ORDER**

MOTION: Rachelle Lancaster moved, seconded by Carol Ott, to suspend the license Heidi Sutter, R.N.'s. Reason for Denial: Non-compliance with drug testing requirements per Board Order. Motion carried unanimously.

**CARRIE ZIELINSKI, R.N.
VOLUNTARY SURRENDER OF LICENSE**

MOTION: Gretchen Lowe moved, seconded by Rachelle Lancaster, to accept the surrender of Carrie Zielinski's registered nurse license. Motion carried unanimously.

**SHERRY WARD. R.N.
REQUESTING STAY OF SUSPENSION****

MOTION: Rachelle Lancaster moved, seconded by Nelson Soler, to deny the request of Sherry Ward. R.N. for a request for stay of suspension. The Board requires that Ms. Ward achieve three (3) months of successful compliance with the Board Order before submitting a petition for stay of suspension. Reason for Denial: Non-compliance with drug testing requirements per Board Order. Motion carried unanimously.

(** Items received after mailing of the agenda.)

DELIBERATION OF PROPOSED STIPULATIONS AND FINAL DECISIONS AND ORDERS

1. Karen A. Alexander, L.P.N. (10 NUR 523)
2. Sarah K. Becker, R.N. (08 NUR 111 & 09 NUR 020)
3. Susan M. Bergeon, R.N. (11 NUR 211)
4. Renee C. Bohm, R.N. (10 NUR 617)
5. Michelle L. Copass, L.P.N. (10 NUR 631)
6. Johanna C. Edwards, R.N. (11 NUR 325)
7. Christine F. Frelich, L.P.N. (11 NUR 333)
8. Louise H. Jetzer, R.N. (11 NUR 258)
9. Robert R. Kennison, R.N. (11 NUR 315)
10. Daniel J. Kulbacki, R.N. (11 NUR 273)
11. Jennifer R. Menozzi, L.P.N. (11 NUR 318)
12. Kimberly A. Mergen, R.N. (11 NUR 114)
13. Amanda K. Metz, R.N. (09 NUR 035)
14. Jason A. Michaud, R.N. (11 NUR 148)
15. Karen J. Penkala-Shorkey, R.N. (11 NUR 195)
16. Leona M. Rappa, L.P.N. (10 NUR 478 & 11 NUR 233)
17. Tricia L. Rees, R.N. (11 NUR 234)
18. Mich M. Steenbekkers, R.N. (11 NUR 110)
19. Steven M. Swenson, L.P.N. (11 NUR 121)
20. Jennifer L. Waloway, R.N. (11 NUR 332) – *A replacement stipulation was provided to the Board.*
21. Brian C. Zastrow, R.N. (11 NUR 383)
22. Nicole C. Deeth, L.P.N. (11 NUR 001)**

MOTION: Rachelle Lancaster moved, seconded by Carol Ott, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against the individuals listed above. Motion carried unanimously.

MOTION: Rachelle Lancaster moved, seconded by Julia Nelson, to reject the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Mary E. Rashel, R.N., A.P.N.P. (09 NUR 424). Motion carried. Opposed: Lou Ann Weix, Nelson Soler, Carol Ott

MOTION: Julia Nelson moved, seconded by Nelson Soler, to reject the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Michael J. Honeycutt, L.P.N. (10 NUR 280) and to close this case for prosecutorial discretion (P2). Motion carried. Abstained: Maria Joseph

(** Items received after mailing of the agenda.)

DELIBERATION ON ISSUANCE OF ADMINISTRATIVE WARNINGS

- 1) 07 NUR 189
- 2) 10 NUR 106
- 3) 10 NUR 175
- 4) 10 NUR 279
- 5) 11 NUR 345

MOTION: Gretchen Lowe moved, seconded by Julia Lowe, to issue administrative warnings in the matter of the case numbers listed above. Motion carried unanimously.

MOTION: Rachelle Lancaster moved, seconded by Maria Joseph, not to issue administrative warnings in the matter of the case numbers 11 NUR 090, 11 NUR 440 and 11 NUR 444 and to close these cases for prosecutorial discretion (P3). Motion carried unanimously.

MOTION: Julia Nelson moved, seconded by Rachelle Lancaster, not to issue an administrative warning in the matter of the case number 10 NUR 656, and to close this case for insufficient evidence and to refer this matter to the appropriate regulatory bodies. Motion carried unanimously.

MOTION: Gretchen Lowe moved, seconded by Maria Joseph, to defer deliberation on issuance of the administrative warning in the matter of the case number 10 NUR 249. Motion carried unanimously.

MOTION: Carol Ott moved, seconded by Rachelle Lancaster, not to issue an administrative warning in the matter of the case number 11 NUR 219 against D.L., J.L., and K.B., and to close this case for prosecutorial discretion (P3). Motion carried unanimously.

DIVISION OF ENFORCEMENT

Case Status Report

The Board received a report outlining its pending enforcement cases.

Case Closings

- 1) 11 NUR 382 – Insufficient Evidence
- 2) 11 NUR 329 – Insufficient Evidence
- 3) 11 NUR 308 – No Violation
- 4) 11 NUR 397 – Insufficient Evidence
- 5) 11 NUR 352 – Insufficient Evidence
- 6) 11 NUR 285 – No Violation
- 7) 10 NUR 649 – No Violation
- 8) 10 NUR 510 – Prosecutorial Discretion (P1)
- 9) 10 NUR 287 – No Violation
- 10) 10 NUR 392 – No Violation
- 11) 10 NUR 327 – Prosecutorial Discretion (P1)
- 12) 11 NUR 267 – Prosecutorial Discretion (P7)
- 13) 10 NUR 151 – Insufficient Evidence

- 14) 10 NUR 216 – Insufficient Evidence
- 15) 10 NUR 226 – Insufficient Evidence
- 16) 11 NUR 101 – Insufficient Evidence
- 17) 11 NUR 282 – Prosecutorial Discretion (P5)
- 18) 11 NUR 366 – Prosecutorial Discretion (P2)
- 19) 11 NUR 036 – Prosecutorial Discretion (P2)
- 20) 11 NUR 056 – Prosecutorial Discretion (P7)
- 21) 11 NUR 371 – Prosecutorial Discretion (P3)
- 22) 11 NUR 380 – Insufficient Evidence
- 23) 11 NUR 413 – No Violation

MOTION: Gretchen Lowe moved, seconded by Maria Joseph, to close the cases listed as identified above. Motion carried unanimously.

OTHER BOARD BUSINESS

The Board inquired about the possibility of having an additional meeting scheduled for each calendar year. The Board discussed cost saving measures that could be employed in exchange for an additional meeting.

MOTION: Rachelle Lancaster moved, seconded by Julia Nelson, to eliminate lunch orders in exchange for an additional meeting on an annual basis. Motion carried unanimously.

ADJOURNMENT

MOTION: Nelson Soler moved, seconded by Julia Nelson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:18 p.m.